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Company:	U.S. Patent and Trademark Office	Date:	June 9, 2003
Fax:	703-746-7238	Pages:	3 (including coversheet)
Your Re:	09/364,085	Our Re:	ITLO 149US (P6585)

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☒ Confirm Receipt

MESSAGE:

Applicant: Uri Elzur
Serial No. 09/364,085
Filed: July 30, 1999
Title: Associating A Packet With A Flow

1. Request for Reconsideration

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	Uri Elzur	§	Art Unit:	2155
Serial No.:	09/364,085	§		
Filed:	July 30, 1999	§	Examiner:	Thu Ha T. Nguyen
Title:	Associating a Packet With a Flow	§	Docket No.	ITL.0149US (P6585)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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6/9/03

REQUEST FOR RECONSIDERATION

Dear Sir:

In an Office Action mailed on April 11, 2003, the Examiner maintained the § 103 rejections of claims 1-8 and 14-19.

In this Office Action, the Examiner acknowledges that in order to establish a *prima facie* case of obviousness, there must be "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art." Final Office Action, 2. In view of this requirement, the Examiner states, "the reason to combine the teaching of Jackowshi and Law to have the storing table in a memory of peripheral because it would make the loading faster and efficient performance between client and server." *Id.* However, a mere conclusion by the Examiner by itself is not sufficient to support a *prima facie* case of obviousness.

More specifically, the Examiner acknowledges that the alleged suggestion or motivation must be found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The alleged suggestion or motivation does not appear in the cited references, as the Examiner can point to no specific language showing the alleged suggestion or motivation. *Ex parte Gambogi*, 62 USPQ2d 1209, 1212 (Bd. Pat. App. & Int. 2001); *In re*

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Janice Munoz
Janice Munoz

Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); M.P.E.P. § 2143.(a) as being unpatentable over Jackowski in view of Law.

It appears the Examiner is relying on the general level of skill in the art to supply the alleged suggestion or motivation. However, this is improper, as "rarely, however, will the skill in the art component operate to supply missing knowledge or prior art to reach an obviousness judgment." *Al-Site Corp. v. VSI Int'l, Inc.*, 50 USPQ2d 1161, 1171 (Fed. Cir. 1999). If the Examiner is relying on the general level of skill in the art to supply the alleged suggestion or motivation, then Applicant traverses the Examiner's assertion and requests a reference to support the Examiner's position. See M.P.E.P. § 2144.03.

Therefore, because the Examiner has failed to establish a *prima facie* case of obviousness for any of the rejected claims, Applicant requests withdrawal of the § 103 rejections of claims 1-8 and 14-19.

No fee is believed due with this Reply. However, the Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL0149US).

Respectfully submitted,

Date: June 9, 2003

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